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Atorneys for Plaintiff  
SHELDON SCHWARTZ, Derivatively On Behalf of  
Nominal Defendant NIMBLE STORAGE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE NIMBLE STORAGE, INC.  
DERIVATIVE LITIGATION

Lead Case No: 5:16-CV-00892

### This Document Relates To:

ALL ACTION

## **JOINT STIPULATION OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE**

1 Plaintiff Sheldon Schwartz ("Plaintiff") by and through his counsel of record, states as follows:

2 WHEREAS, on June 14, 2016, this Court consolidated two shareholder derivative actions that  
3 were pending in this District: *Schwartz v. Vasudevan, et al.*, Case No. 5:16-cv-00892-YGR; and  
4 *Goldstein v. Vasudevan, et al.*, Case No. 5:16-CV-02238-YGR (together, the "Consolidated Derivative  
5 Action");

6 WHEREAS, on June 14, 2016, this Court stayed the Consolidated Action pending certain  
7 events in the related Securities Class Action;

8 WHEREAS, under Fed. R. Civ. P. 23.1(c) and 41(a)(1), Plaintiff may voluntarily dismiss with  
9 leave of Court the Consolidated Derivative Action as Defendants have not yet answered, moved, or  
10 otherwise responded;

11 WHEREAS, neither Plaintiff nor Plaintiff's counsel has received any remuneration in  
12 connection with the proposed dismissal of the Consolidated Derivative Action;

13 NOW, THEREFORE, pursuant to Fed. R. Civ. P. 23.1(c) and 41(a)(1), the parties to the  
14 Consolidated Derivative Action, by and through their undersigned counsel, hereby stipulate and agree  
15 as follows:

- 16 1. The Consolidated Derivative Action is voluntarily DISMISSED WITHOUT PREJUDICE.
- 17 2. The parties shall bear their own attorneys' fees and other expenses.

18  
19 Dated: October 31, 2017

**REICH RADCLIFFE & HOOVER LLP**

20  
21 By: /s/ Adam T. Hoover  
Adam T. Hoover

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23 **FENWICK & WEST LLP**

24  
25 By: /s/ Felix S. Lee  
Felix S. Lee